

REMARKS

Claims 1-20 were pending in the application as of the issuance of the Office Action dated April 20, 2009. According to the foregoing amendments, claims 1 and 7 have been amended and claims 14-16 have been cancelled without prejudice to their prosecution in this or a subsequently filed application. Accordingly, after the amendments presented herein have been entered, claims 1-13 and 17-20 will remain pending in this application.

Support for the amendments to the claims may be found throughout the specification and in the claims as originally filed. Specifically, support for the amendment to claim 1 can be found at, for example, claims 15 and 16, as originally filed.

No new matter has been added by the claim amendments. The amendments to the claims and the cancellation of certain claims should not be construed as an acquiescence to the validity of the Examiner's rejections and were done solely in the interest of expediting prosecution and allowance of the claims. Applicants reserve the right to pursue the claims as originally filed in one or more further applications.

INFORMATION DISCLOSURE STATEMENT

Applicants submit that an Information Disclosure Statement will be filed shortly. Upon filing, Applicants respectfully request that the Examiner consider the references cited thereon and acknowledge such consideration by initialing the PTO Form SB/08 filed concurrently therewith.

REJECTION OF CLAIMS 1-5, 8-15 AND 19-20 UNDER 35 U.S.C. § 102(A) AND 102(E)

The Examiner has rejected claims 1-5, 8-15 and 19-20 under 35 U.S.C. §102(a) as being anticipated by Otterbein *et al.* (U.S. Patent No. 7,364,757) (hereinafter referred to as "Otterbein") and under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,238,469 to Bach *et al.* (hereinafter referred to as "Bach").

Applicants respectfully disagree. Applicants respectfully submit that the claims as previously pending were novel over the teachings of Otterbein and Bach. Notwithstanding the foregoing, solely in the interest of expediting examination and in no way acquiescing to the validity of the Examiner's rejection, Applicants have amended the pending claims to be directed

to *inflammatory disorders localized in the gastrointestinal tract*, which the Examiner has acknowledged constitutes allowable subject matter. Applicants submit that the subject matter of the pending claims is novel over the teachings of Otterbein and Bach. Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejections under 35 U.S.C. § 102(a) and 102(e).

CONCLUSION

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested. If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

The Commissioner is hereby authorized to charge any deficiency in the fees paid herewith, or credit any overpayment, to Deposit Account No. 12-0080, under Order No. CNZ-006USRCE, from which the undersigned is authorized to withdraw.

Dated: **November 13, 2009**

Respectfully submitted,

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